

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

A.M.C., by her next friend, C.D.C., et al.,

Plaintiffs,

v.

STEPHEN SMITH, in his official capacity as
Deputy Commissioner of Finance and
Administration and Director of the Division of
TennCare,

Defendant.

Civil Action No. 3:20-cv-00240

Class Action

Judge Crenshaw
Magistrate Newbern

DECLARATION OF JANE PERKINS

I, Jane Perkins, J.D., M.P.H., declare as follows:

1. The matters stated in this declaration are true of my own personal knowledge. If called as witness, I would truthfully and competently testify consistent with the following.

2. I am one of the attorneys from the National Health Law Program (NHeLP) who seeks to represent the named Plaintiffs and Plaintiff class in the above-captioned case. Elizabeth Edwards, a Senior Attorney at NHeLP, and Sarah Grusin, a Staff Attorney at NHeLP, also seek to represent the named Plaintiffs and Plaintiff class. Because we are not admitted to practice in the Middle District of Tennessee, we are filing applications for pro hac vice admission to appear in this case.

3. I have been licensed to practice law in North Carolina since 1981. I am the Legal Director of the National Health Law Program, where I have worked as an attorney for over 30 years. Previously, I was an Assistant Attorney General in the State of Maryland and represented

agencies within the Department of Health & Mental Hygiene. Prior to that, I worked at a law firm in Burlingame, California specializing in planning and litigation for health care facilities.

4. I am admitted to the State Bars of North Carolina, California, and Maryland (inactive). I am also admitted to practice before the United States Supreme Court and a number of other federal courts, including all of the federal courts of appeals.

5. I have participated in more than 40 complex track and/or class action cases in the federal district and circuit courts of appeals. Most of these cases concern publicly funded health insurance programs, particularly Medicaid. Recent cases where I have served in a leading role include: *O.B. v. Norwood*, 838 F.3d 837 (7th Cir. 2016), *aff'g*, 170 F. Supp. 3d 1186 (N.D. Ill. 2016) (requiring Medicaid agency to arrange for services agency has found to be needed by children with medically complex conditions); *Davis v. Shah*, 821 F.3d 231 (2d Cir. 2016), *aff'g in part & vacating in part*, 2013 WL 6451176 (W.D. N.Y. Dec. 9, 2013) (summary judgment), (requiring coverage of medical equipment and supplies for people with disabilities pursuant to Medicaid Act and Americans with Disabilities Act (ADA)); *K.C. v. Wos*, 716 F.3d 107(4th Cir. 2013), *aff'g*, 2013 U.S. Dist. LEXIS 43822 (E.D.N.C. Mar. 29, 2012) (requiring Medicaid due process in managed care program); *Pashby v. Delia*, 709 F.3d 307 (4th Cir. 2013), *aff'g*, 279 F.R.D. 347 (E.D.N.C. 2011) (injunction finding cuts to personal care services likely to violate the Medicaid Act and ADA); *Hiltibran v. Levy*, 793 F.Supp.2d 1108 (W.D. Mo. June 24, 2011) (enjoining defendant's refusal to cover incontinence supplies in Medicaid/ADA case); *Lankford v. Sherman*, 451 F.3d 496 (8th Cir. 2006) (requiring Medicaid coverage of durable medical equipment and supplies).

6. I have been a speaker at well over 250 continuing legal education events, primarily speaking on Medicaid, disability rights, and federal court procedure. From 1993-1997, I was an

adjunct faculty member at the University of North Carolina, Chapel Hill, School of Law, where I taught health law. From 1993-2002, I was a associate professor at the University of North Carolina, Chapel Hill, School of Social Work, where I taught health policy. Over the years, I have published more than 60 articles on Medicaid, health law, and federal court access topics.

7. Elizabeth Edwards is a Senior Attorney at the National Health Law Program, where she has worked for over six years. Her substantive areas of expertise include the Medicaid Act, the Affordable Care Act, the ADA, and health care delivery systems. From 2008-2013, Ms. Edwards was a lead and staff attorney at Disability Rights North Carolina, the state's protection and advocacy system for people with disabilities. At Disability Rights NC, she worked on individual and class-based advocacy on behalf of people with disabilities.

8. Ms. Edwards has been licensed to practice law since 2006 and is admitted to the State Bar of North Carolina. Ms. Edwards is also admitted to multiple federal circuit courts of appeal, as well as a number of other federal courts, including the Eastern District of North Carolina. Ms. Edwards has participated in a number of complex federal court cases and also represented individual clients in actions involving the Medicaid Act and disability rights. Her recent class action cases include *Wilson v. Gordon*, 822 F.3d 934 (6th Cir. 2016), *aff'g*, 2014 WL 4347807 (M.D. Tenn. Sept. 2, 2014) (preliminary injunction requiring Tennessee Medicaid agency to provide fair hearings to individuals whose Medicaid applications are delayed); and *Pashby v. Delia*, 709 F.3d 307 (4th Cir. 2012) (upholding preliminary injunction), *aff'g*, 279 F.R.D. 347 (E.D.N.C. 2011) (certifying class and denying motion to dismiss in action to enjoin cuts to home and community based services for people with disabilities).

9. Ms. Edwards regularly speaks at national continuing legal education training events, primarily speaking on Medicaid and non-discrimination provisions. She has also written multiple

publications on Medicaid, health law, and legal protections for people with disabilities. Ms. Edwards also provides assistance to legal services advocates on litigation strategy based on her experience with health law, the ADA, and the Medicaid program.

10. Sarah Grusin is a Staff Attorney at the National Health Law Program, where she has worked for over two years. she focuses her work on the Medicaid Act, Administrative Procedure Act, and immigration issues. Ms. Grusin was admitted to practice law in Illinois in 2014, is admitted to the Sixth and Seventh Circuit Courts of Appeals, and is a member of the bar of multiple U.S. District Courts. After joining NHeLP she was on the litigation team for the class action case *O.B. v. Norwood*, 838 F.3d 837 (7th Cir. 2016), *aff'g*, 170 F. Supp. 3d 1186 (N.D. Ill. 2016).

11. Prior to working at NHeLP, Ms. Grusin litigated cases with Loevy and Loevy where her work focused on § 1983 civil rights actions. There she served on two trial teams, each resulting in multi-million dollar verdicts: *Holmes v. Slay*, 4:12-cv-02333-HEA, (E.D. Mo.) and *Jondalyn Fields v. Ramos*, Case No. 09-L-002962. Ms. Grusin also completed a clerkship for the Honorable Rebecca Pallmeyer of the United States District Court, Northern District of Illinois (2014-2015).

12. The National Health Law Program is co-counseling this case with lead counsel, Tennessee Justice Center. The National Health Law Program has committed to assuring the resources needed to represent the class and will continue to work with other class counsel to competently investigate claims and issues as they arise in this case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 20th day of March 2020 in Carrboro, North Carolina.

/s/Jane Perkins

Jane Perkins

National Health Law Program

200 North Greensboro St., Suite D-13

Carrboro, NC 27510

Pro hac vice pending

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document is being served via the Court's electronic filing system on this 12th day of November, 2021 on the following counsel for Defendant:

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/s/ Catherine Millas Kaiman
On Behalf of Counsel for Plaintiffs